




*Report to the
Auburn City Council*

Information Item

12

Agenda Item No.

City Manager's Approval

To: Mayor and City Council Members
From: Mark D'Ambrogi, Fire Chief 
Date: June 11, 2012
Subject: Weed abatement-Declare Public Nuisance

The Issue

Shall the City Council, by Resolution, declare Public Nuisance of certain properties within the City of Auburn identified as containing weeds, rubbish, and or debris?

Conclusion and Recommendation

Staff recommends the City Council, by resolution, declare Public Nuisance of certain properties within the City of Auburn identified as containing weeds, rubbish, and or debris, as listed in Exhibit "A".

Background

The weed abatement process requires the City Council to first declare Public Nuisance of those properties that have been identified as containing weeds, rubbish, and or debris as potential hazard with the threat of fire. Such properties as listed in Exhibit "A" have been issued written notice to destroy, remove, or render safe such hazards. This is the first step of the City Weed Abatement Process. Upon inspection and request for action, those properties that do not comply with such requests will be noticed of Public Hearing at a later date to order abatement; removal of such hazard(s) by the City, and will be responsible for all costs associated with such process. Declaration of Public Nuisance is the first step in the process and must be done so to carry out the remaining steps in a timely manner.

It is anticipated that a large number of properties as listed in Exhibit "A" will comply with first request to abate such hazards. This initial step is a formality of the Weed Abatement Process.

Alternatives Available to Council; Implications of Alternatives

1. Adopt a resolution to declare Public Nuisance to continue the City Weed Abatement Process;
2. Take no action, no further process will be implemented.

Fiscal Impact

No direct costs are identified specific to this process. Future actions incurred by the City may be recovered by payment from the property owners through the weed abatement process.

Attachment

Exhibit "A"

Exhibit "A"

APN	Street Name	Street Number
001-012-016-000	Dorothy Way	659
001-082-005-000	Chamberlain Dr	321
002-092-028-000	E Placer St	188
003-012-009-000	Electric St	240
003-012-010-000	Electric St	250
003-012-025-000	Electric St	
003-103-008-000	Olive Orchard	446
004-100-020-000	High Street	1500
004-100-025-000	High Street	1600
004-100-033-000	High Street	1605
004-100-034-000	High Street	1585
004-160-026-000	Virginia	
004-220-097-000	Gold/Belmont St	
004-360-001-000	High Street	1700
004-360-002-000	High Street	1720
004-360-004-00	High Street	1760
004-360-005-000	High Street	1780
004-360-006-000	High Street	1800
038-150-002-000	Nevada St	455
054-040-062-000	Dairy Rd	
055-040-028-000	Maidu and Riverview	
055-040-029-000	Maidu and Riverview	
055-040-031-000	Maidu and Riverview	
055-290-004-000	Eagles Nest	3075

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2 SECTION 4. That the private property, together with the streets and
3 sidewalks in front of same herein referred to, is more particularly described as
4 follows, to-wit: Those properties described in Appendix "A" attached hereto
5 and by this reference made a part hereof as though set forth in full at this
6 point.

7
8 THEREFORE BE IT RESOLVED, pursuant to the foregoing findings of fact,
9 that the weeds or dry grass, stubble, refuse, or other flammable material in
10 and upon and in front of the real property hereinbefore described constitute
11 and are hereby declared to be a public nuisance which should be abated. The
12 Fire Chief, is hereby designated the person to give notice to destroy said weeds
13 or dry grass, stubble, refuse, or other flammable material and shall cause
14 notices to be given to each property owner by United States Mail and said
15 notice shall be substantially in the following form to-wit.

16 NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND
17 DIRT

18 Notice is hereby given that on the 11th day of June 2012, the City Council
19 of the City of Auburn passed a resolution declaring that noxious or dangerous
20 weeds were growing upon or in front of the property on this street, and that
21 rubbish, refuse, and dirt were upon or in front of property on this street, in
22 Auburn are more particularly described in the resolution, and that they
23 constitute a public nuisance which must be abated by the removal of the
24 weeds, rubbish, refuse, and dirt. Otherwise they will be removed and the
25 nuisance abated by the City and the cost of removal assessed upon the land
26 from or in front of which the weeds, rubbish, refuse, and dirt are removed and
27 will constitute a lien upon such land until paid. Reference is hereby made to
28

1 the resolution for further particulars. A copy of said resolution is on file in the
2 office of the City Clerk.

3 All property owners having any objections to the proposed removal of the
4 weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the
5 City Council of the City of Auburn to be held on July 9, 2012 at 6:00 p.m.
6 when their objections will be heard and given due consideration.

7 BE IT THEREFORE RESOLVED, that the Fire Chief is hereby authorized
8 and directed to authorize the recovery of costs of inspection of the properties
9 hereinabove described in a manner consistent with prior action of the City
10 Council. The recovery of these costs is vital to the ongoing operation
11 governing the identification and abatement of those properties that constitute
12 public nuisances and endanger the public safety.

13
14 BE IT FURTHER RESOLVED THAT the 9th day of July 2012, at the
15 hour of 6:00 p.m. in the City of Auburn, is the day and hour, and the Meeting
16 Room of the City Council at City Hall is the place when and where any and all
17 property owners having any objections to the aforesaid proposed removal of
18 weeds or dry grass, stubble, refuse, or other flammable material may appear
19 before the City Council and show cause why said weeds or dry grass, stubble,
20 refuse, or other flammable material should not be removed in accordance with
21 this resolution, and said objections will then and there be heard and given due
22 consideration; and

23
24 BE IT RESOLVED THAT the notices to destroy weeds or dry grass,
25 stubble, refuse or other flammable material hereinbefore referred to shall be
26 mailed by the City of Auburn at least ten days prior to July 9, 2012.

27 DATED: June 11, 2012
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Kevin Hanley, Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 11^h day of June 2012 by the following vote on roll call:

Ayes:
Noes:
Absent:

Joseph G. R. Labrie, City Clerk

1 ABATEMENT ORDER

2
3 July 9, 2012

4
5 FOLLOWING THE PUBLIC HEARING HELD July 9, 2012 IN THE MATTER OF
6 RESOLUTION TO ABATE NOXIOUS WEEDS, RUBBISH, AND REFUSE, THE CITY
7 COUNCIL OF THE CITY OF AUBURN, BY MOTION ADOPTED AN ORDER
8 DIRECTING THE ABATEMENT OF THE NUISANCE BY HAVING THE WEEDS,
9 RUBBISH, AND REFUSE REMOVED.
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13 CITY COUNCIL OF THE
14 CITY OF AUBURN
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17 BY _____
18 Kevin Hanley, Mayor
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20 ATTEST:

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22 BY _____
23 JOSEPH G. R. LABRIE, CITY CLERK
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1 STATE OF CALIFORNIA)
2) SS
3 CITY OF AUBURN)
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6 On or before the 9th day of July 2012, as required by the Government Code of
7 the State of California, the owners of each of the properties described in the
8 attached list were notified by United States Mail to destroy noxious or
9 dangerous weeds, of which the annexed is a true copy, and setting the 9th day
10 of July 2012 as the date upon which owners of said property could attend a
11 meeting of the Council of the City of Auburn, when their objections will be
12 heard and given due consideration.
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21 SUBSCRIBED AND SWORN TO BEFORE ME
22 This _____ day of _____, AUBURN
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26 _____
27 City Clerk
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[Appendix "A"]

APN	Street Name	Street	Number
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003-012-025-000			
	Olive Orchard		
003-103-008-000			446
	High Street		
004-100-020-000			1500
	High Street		
004-100-025-000			1600
	High Street		
004-100-033-000			1605
	High Street		
004-100-034-000			1585
	Virginia		
004-160-026-000			
	Gold/Belmont		
004-220-097-000	St		
	High Street		
004-360-001-000			1700
	High Street		
004-360-002-000			1720
	High Street		
004-360-004-00			1760
	High Street		
004-360-005-000			1780
	High Street		
004-360-006-000			1800
	Nevada St		
038-150-002-000			455
	Dairy Rd		
054-040-062-000			
	Maidu and		
055-040-028-000	Riverview		
	Maidu and		
055-040-029-000	Riverview		
	Maidu and		
055-040-031-000	Riverview		
	Eagles Nest		
055-290-004-000			3075